

ESTTA Tracking number: **ESTTA573703**

Filing date: **11/27/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Be Sport, Inc.
Granted to Date of previous extension	11/27/2013
Address	79 26th Avenue San Francisco, CA 94121 UNITED STATES
Attorney information	Connie L. Ellerbach Fenwick & West LLP 801 California Street Mountain View, CA 94041-1990 UNITED STATES trademarks@fenwick.com,cellerbach@fenwick.com,mjansen@fenwick.com Phone:(650) 988-8500

### Applicant Information

Application No	85639289	Publication date	07/30/2013
Opposition Filing Date	11/27/2013	Opposition Period Ends	11/27/2013
International Registration No.	NONE	International Registration Date	NONE
Applicant	Al-Jazeera Satellite Channel P.O. Box: 23123 Doha, QAX QAX		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: electronic recorders for the transmission and replay of sound and images; documentary and docu-dramas cinematic films; pre-recorded video tapes, visual discs, and magnetic tapes with sound and imagesfeaturing news and commentary; sound recordings featuring news and commentary; fax machines, information transmission teletypewriters machines, telephones, andcomputers; computer peripherals for transmission of information and data; electronic computer printers for non-photographic graphical information; blank magnetic discs; blank video tapes; blank magnetic tapes for audio and video signals; video display units; computer keyboards; computer software used to display graphical information; computer memories; computer interface peripherals; digital signal transformers to convert sound to digital data and vice versa; and visual digital transmitters

Class 016. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: printed matter, namely, books, magazines and newsletters in the field of current news events; photographs; printed reports featuring financial, economic, cultural and political information and data; printed instructional, educational, and teaching

materials in the field of media, multimedia and related fields
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: advertising and publicity services to be broadcast over televisions; televisionadvertising services for others; and commercial advertising services for others
Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: television and video broadcasting services; and news agencies, namely, transmission of news items to news reporting organizations
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: entertainment services, namely, production of television programs, especially news, documentaries, sport and cultural programs and financial, economic and political reports; production of cinematic films; and news agencies, namely, gathering and dissemination of news

## Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

## Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85413573	Application Date	09/01/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BE SPORT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 0 First Use In Commerce: 0 A full line of sportswear and sports related clothing and activewear, namely, yoga pants, athletic uniforms, shorts, pants, hats, jackets, shirts, warm-up suits, sweatsuits, swimwear, tennis wear, skirts, sweaters, underwear, headwear, hats, caps, baseball caps, beanies, gloves, socks, wristbands, athletic shoes, jerseys, shirts with short sleeves, vests, sports bras, sport stockings and leg warmers; accessories, namely, headbands</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Coordination of recreational sporting opportunities for individuals who wish to participate in team league sports; promoting the interests of people involved and concerned with sports</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Organization of sports competitions; providing a web site featuring information on amateur and recreational sports; providing news and information in the field of amateur and recreational sports</p>		

	<p>Class 042. First use: First Use: 0 First Use In Commerce: 0</p> <p>Creating an on-line community for recreational athletes for the purpose of connecting players, teams and leagues, organizing game and sports activities, tracking and recording player performance and results in the field of sports, and creating an online sport identity; providing a web site featuring technology that enables users to share, bookmark, index, store, collect showcase, and manage content, images, calendars, projects, equipment and information in electronic form in the nature and field of amateur and recreational sports; computer services, namely, hosting on-line interactive public calendars that allow multiple participants to share event schedules and facility reservations</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0</p> <p>On-line social networking services; online social networking services provided through a sports community website; online social networking services in the field of sports</p>
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Attachments	<p>85413573#TMSN.jpeg( bytes )</p> <p>Notice of Opposition.pdf(183653 bytes )</p>
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/CLE1087/
Name	Connie L. Ellerbach
Date	11/27/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No. 85/639,289

Filed: May 31, 2012

Published: July 30, 2013

Mark: BEIN SPORT

Be Sport, Inc.,	)
Opposer,	)
	)
vs.	)
	)
Al-Jazeera Satellite Channel,	)
Applicant.	)
	)

NOTICE OF OPPOSITION

Be Sport, Inc. (“Opposer”), a Delaware corporation having a principal place of business at 79 26th Avenue San Francisco, CA 94121, believes that it will be damaged by registration of the mark BEIN SPORT (“Applicant’s Mark”) as shown in Application Serial No. 85/639,289 (the “Application”), filed by Al-Jazeera Satellite Channel (“Applicant”), and hereby opposes the Application, alleging as grounds for the opposition that:

1. As is evidenced by the publication of Applicant’s Mark in the July 30, 2013 issue of the Official Gazette, Applicant seeks to register the mark for:

“electronic recorders for the transmission and replay of sound and images;  
documentary and docu-dramas cinematic films; pre-recorded video tapes, visual discs,  
and magnetic tapes with sound and images featuring news and commentary; sound  
recordings featuring news and commentary; fax machines, information transmission  
teletypewriters machines, telephones, and computers; computer peripherals for  
transmission of information and data; electronic computer printers for non-photographic

graphical information; blank magnetic discs; blank video tapes; blank magnetic tapes for audio and video signals; video display units; computer keyboards; computer software used to display graphical information; computer memories; computer interface peripherals; digital signal transformers to convert sound to digital data and vice versa; and visual digital transmitters” in Class 9;

“printed matter, namely, books, magazines and newsletters in the field of current news events; photographs; printed reports featuring financial, economic, cultural and political information and data; printed instructional, educational, and teaching materials in the field of media, multimedia and related fields” in Class 16;

“advertising and publicity services to be broadcast over televisions; television advertising services for others; and commercial advertising services for others” in Class 35;

“television and video broadcasting services; and news agencies, namely, transmission of news items to news reporting organizations” in Class 38; and

“entertainment services, namely, production of television programs, especially news, documentaries, sport and cultural programs and financial, economic and political reports; production of cinematic films; and news agencies, namely, gathering and dissemination of news” in Class 41.

2. The Application was filed on May 31, 2012 under Section 44(d) of the Lanham Act.

3. Opposer is the owner of the pending United States application for BE SPORT as shown in Application Serial No. 85/413,573 for:

“A full line of sportswear and sports related clothing and activewear, namely, yoga pants, athletic uniforms, shorts, pants, hats, jackets, shirts, warm-up suits, sweatsuits, swimwear, tennis wear, skirts, sweaters, underwear, headwear, hats, caps, baseball caps, beanies, gloves, socks, wristbands, athletic shoes, jerseys, shirts with short sleeves, vests, sports bras, sport stockings and leg warmers; accessories, namely, headbands” in Class 25;

“Coordination of recreational sporting opportunities for individuals who wish to participate in team league sports; promoting the interests of people involved and concerned with sports” in Class 35;

“Organization of sports competitions; providing a web site featuring information on amateur and recreational sports; providing news and information in the field of amateur and recreational sports” in Class 41;

“Creating an on-line community for recreational athletes for the purpose of connecting players, teams and leagues, organizing game and sports activities, tracking and recording player performance and results in the field of sports, and creating an online sport identity; providing a web site featuring technology that enables users to share, bookmark, index, store, collect showcase, and manage content, images, calendars, projects, equipment and information in electronic form in the nature and field of amateur and recreational sports; computer services, namely, hosting on-line interactive public calendars that allow multiple participants to share event schedules and facility reservations” in Class 42; and

“On-line social networking services; online social networking services provided through a sports community website; online social networking services in the field of sports” in Class 45.

Attached to this Notice of Opposition is a current printout of information from the electronic database records of the U.S. Patent and Trademark Office showing the current status and title of the aforementioned trademark application.

4. On information and belief, Opposer enjoys an earlier filing date. Applicant’s Mark was filed on May 31, 2012, based on Section 44(d) of the Trademark Act, claiming a February 7, 2012 priority date; Opposer filed its application on September 1, 2011.

5. Opposer's BE SPORT mark is a designator of Opposer’s goods and services, is a valuable asset of Opposer, and is a principal symbol of its goodwill in the mark. Opposer’s goods and services in the field of sports are related to the goods and services claimed in the Application. In view of the similarity of the respective marks and the related nature of the goods and services of the respective parties, it is alleged that Applicant’s Mark so resembles Opposer’s applied for, and not abandoned BE SPORT mark in the United States as to likely cause confusion or mistake, or to deceive, thereby causing loss, damage, and injury to Opposer and the purchasing public.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained, that Applicant’s Trademark Application Serial No. 85/639,289 be rejected, and that Applicant be denied registration of BEIN SPORT as a trademark for the goods and services specified in the Application.

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Please charge the requisite \$300.00 filing fee for this Notice of Opposition and any additional fees to our Deposit Account No. 50-0261.

Respectfully submitted,

Dated: November 27, 2013

/s/ Connie L. Ellerbach

Connie L. Ellerbach

Attorney for Opposer

FENWICK & WEST LLP

Silicon Valley Center

801 California Street

Mountain View, California 94041

Telephone: (650) 988-8500

Facsimile: (650) 938-5200



PROOF OF SERVICE BY MAIL

I declare that:

I am employed in the County of Santa Clara, California.

I am over the age of eighteen years and not a party to the within cause; my business address is Fenwick & West LLP, Silicon Valley Center, 801 California Street, Mountain View, CA 94041. On August 19, 2013 I served the within NOTICE OF OPPOSITION on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, via U.S. First Class Mail at Mountain View, California, addressed as follows:

Kevin G. Smith  
Sughrue Mion, PLLC  
2100 Pennsylvania Ave NW  
Washington, DC 20037-3202

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 27th day of November, 2013.

/s/ Phyllis O'Sullivan  
Phyllis O'Sullivan



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An Agency of the Department of Commerce

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Mark: BE SPORT

# BE SPORT

US Serial Number: 85413573

Application Filing Date: Sep. 01, 2011

Register: Principal

Mark Type: Trademark, Service Mark

Status: A second request for extension of time to file a Statement of Use has been granted.

Status Date: Oct. 16, 2013

Publication Date: Jul. 24, 2012

Notice of Allowance Date: Sep. 18, 2012

#### ▼ Mark Information

▲ Collapse All

Mark Literal Elements: BE SPORT

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "SPORT"

#### ▼ Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: A full line of sportswear and sports related clothing and activewear, namely, yoga pants, athletic uniforms, shorts, pants, hats, jackets, shirts, warm-up suits, sweatsuits, swimwear, tennis wear, skirts, sweaters, underwear, headwear, hats, caps, baseball caps, beanies, gloves, socks, wristbands, athletic shoes, jerseys, shirts with short sleeves, vests, sports bras, sport stockings and leg warmers; accessories, namely, headbands

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Coordination of recreational sporting opportunities for individuals who wish to participate in team league sports; promoting the interests of people involved and concerned with sports

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: Organization of sports competitions; providing a web site featuring information on amateur and recreational sports; providing news and information in the field of amateur and recreational sports

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)		
For: Creating an on-line community for recreational athletes for the purpose of connecting players, teams and leagues, organizing game and sports activities, tracking and recording player performance and results in the field of sports, and creating an online sport identity; providing a web site featuring technology that enables users to share, bookmark, index, store, collect showcase, and manage content, images, calendars, projects, equipment and information in electronic form in the nature and field of amateur and recreational sports; computer services, namely, hosting on-line interactive public calendars that allow multiple participants to share event schedules and facility reservations		
International Class(es): 042 - Primary Class	U.S Class(es): 100, 101	
Class Status: ACTIVE		
Basis: 1(b)		
For: On-line social networking services; online social networking services provided through a sports community website; online social networking services in the field of sports		
International Class(es): 045 - Primary Class	U.S Class(es): 100, 101	
Class Status: ACTIVE		
Basis: 1(b)		
▼ Basis Information (Case Level)		
Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	
▼ Current Owner(s) Information		
Owner Name: Be Sport, Inc.		
Owner Address: 79 26th Avenue San Francisco, CALIFORNIA 94121 UNITED STATES		
Legal Entity Type: CORPORATION	State or Country Where Organized:	DELAWARE
▼ Attorney/Correspondence Information		
Attorney of Record		
Attorney Name: Connie L. Ellerbach	Docket Number:	28767-00070
Attorney Primary Email Address: <a href="mailto:trademarks@fenwick.com">trademarks@fenwick.com</a>	Attorney Email Authorized:	Yes
Correspondent		
Correspondent Name/Address: CONNIE L. ELLERBACH FENWICK & WEST LLP 801 CALIFORNIA ST MOUNTAIN VIEW, CALIFORNIA 94041-1990 UNITED STATES		
Phone: (650) 988-8500	Fax:	(650) 938-5200
Correspondent e-mail: <a href="mailto:trademarks@fenwick.com">trademarks@fenwick.com</a>	Correspondent e-mail Authorized:	Yes
Domestic Representative - Not Found		
▼ Prosecution History		
Date	Description	Proceeding Number
Oct. 17, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 16, 2013	EXTENSION 2 GRANTED	76538
Sep. 12, 2013	EXTENSION 2 FILED	76538
Oct. 11, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Sep. 12, 2013	TEAS EXTENSION RECEIVED	
Mar. 02, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 28, 2013	EXTENSION 1 GRANTED	98765
Feb. 28, 2013	EXTENSION 1 FILED	98765
Feb. 28, 2013	TEAS EXTENSION RECEIVED	
Sep. 18, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	

Jul. 24, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 24, 2012	PUBLISHED FOR OPPOSITION	
Jul. 04, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E- MAILED	
Jun. 20, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Jun. 20, 2012	ASSIGNED TO LIE	68171
Jun. 01, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 01, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 01, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E- MAILED	6328
Jun. 01, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 01, 2012	EXAMINERS AMENDMENT -WRITTEN	76079
May 31, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 31, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 31, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 26, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 26, 2011	NON-FINAL ACTION E-MAILED	6325
Dec. 26, 2011	NON-FINAL ACTION WRITTEN	76079
Dec. 19, 2011	ASSIGNED TO EXAMINER	76079
Sep. 08, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 05, 2011	NEW APPLICATION ENTERED IN TRAM	
▼ <a href="#">TM Staff and Location Information</a>		
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TM Attorney:	ENGEL, MICHAEL L	Law Office Assigned: LAW OFFICE 107
File Location		
Current Location:	INTENT TO USE SECTION	Date in Location: Oct. 11, 2013
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